

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAJENDRA PERSAUD and :
PRAMPATIE PERSAUD, :
Plaintiffs, : Civil Action No.: 12-cv-04891 (ARR)(JMA)
-against- :
CARIBBEAN AIRLINES LIMITED, :
Defendant. :
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SHANTI PERSAUD; C.P., a minor, by :
and through her mother and natural :
guardian Shanti Persaud; and C.P., a minor, :
by and through her mother and natural :
guardian Shanti Persaud, : Civil Action No.: 13-cv-00230 (ARR)(JMA)

NOTICE OF MOTION

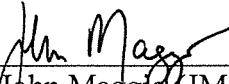
Plaintiffs, :
-against- :
CARIBBEAN AIRLINES LIMITED, :
Defendant. :
----- x

PLEASE TAKE NOTICE that upon the accompanying Affidavit of John Maggio, Esq., sworn to February 15, 2013, the Declaration of C.A. Nigel Hughes dated February 1, 2013, the Declaration of Nalini Lalla dated February 13, 2013, and the annexed Memorandum of Law, Defendant Caribbean Airlines Limited, will move this Court before the Honorable Allyne R. Ross, in accordance with the Scheduling Order entered January 24, 2013, for an Order, pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure, dismissing plaintiffs' Complaints as a matter of law because the Warsaw Convention exclusively governs these actions and this Court lacks subject matter jurisdiction.

PLEASE TAKE FURTHER NOTICE that opposing papers and affidavits, if any, are to be served on or before March 1, 2013, and defendant's reply is to be served on or before March 15, 2013. Oral argument will be scheduled by the Court if necessary.

Dated: New York, New York
February 15, 2013

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